

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**IN RE:  
VITAMINS ANTITRUST LITIGATION**

)  
)  
)  
) **Misc. No. 99-197 (TFH)**  
) **MDL No. 1285**

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

**FILED**

**JUL 30 2001**

**ORDER Re: Second Amended Pretrial Schedule** NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

Pending before the Court are the parties' separate proposals for amendments to the pretrial schedule and procedures. Upon careful consideration of the parties' respective proposals, the arguments presented at the July 24, 2001 status conference, and the entire record herein, it is hereby

**ORDERED** that the foreign defendants subject to the Court's June 20, 2001 Opinion and Order shall answer by August 6, 2001 the approved Interrogatories and shall substantially complete their production of the preexisting electronic or summary transactional, cost and financial data in response to the approved discovery requests identified in the Appendix to the Special Master's April 23, 2001 Report and Recommendations as modified by the Court's June 20, 2001 Opinion and Order. Foreign defendants shall substantially complete by August 31, 2001 their production of all other documents and answer all of the interrogatories in response to the approved discovery requests covered by the Special Master's August 15, 2000 and April 23, 2001 Reports and Recommendations, the Court's September 18, 2000 and June 20, 2001 Opinions and Orders, and the jurisdictional discovery that is set forth in the "Parties Statement of Resolution of Disputes Regarding Plaintiffs' Revised Jurisdictional Discovery Requests" that was agreed to on June 13, 2001. It is further hereby

2189

**ORDERED** that the deadline for completion of all fact discovery will be February 11, 2002. It is further hereby

**ORDERED** that the deadline for completion of privilege logs is as follows:

(1) On or before August 15, 2001, all parties will produce privilege logs for documents produced prior to June 20, 2001;

(2) For the foreign defendants producing documents pursuant to the Court's June 20, 2001 Order, a privilege log on core conspiracy documents<sup>1</sup> must be produced by August 15, 2001;

(3) Thereafter, privilege logs must be produced no more than 14 days after each set of defendants' productions. It is further hereby

**ORDERED** that expert discovery will proceed as follows:

(1) Plaintiffs will serve their expert reports, inclusive of all material required by Fed. R. Civ. P. 26(a)(2)(B), by March 4, 2002;

(2) Defendants will serve their responding expert reports, inclusive of all material required by Fed. R. Civ. P. 26(a)(2)(B), by April 6, 2002;

(3) Plaintiffs will file their rebuttal expert reports, if any, inclusive of all material required by Fed. R. Civ. P. 26(a)(2)(B), by April 26, 2002.

(4) The period for expert depositions shall be as follows:

(a) Defendants shall take the depositions of plaintiffs' experts from May 6, 2002

---

<sup>1</sup>If there is any dispute about the definition of "core conspiracy documents," the parties should meet and confer and if they cannot resolve the issue, it should be brought to the Special Master as soon as possible. In no event will a dispute excuse a failure to meet the above deadlines; therefore, if there is any indication of a disagreement, it should be resolved immediately.

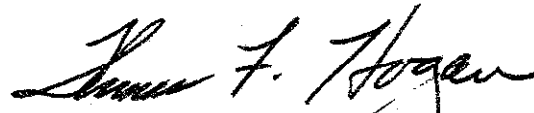
through May 24, 2002; and

(b) Plaintiffs shall take the depositions of defendants' experts from June 3, 2002 through June 21, 2002.

(5) The deadline for filing dispositive motions and motions to sever, if any, is July 10, 2002. Oppositions to such motions shall be due 30 days after service of such motions, reply briefs shall be due 21 days after service of any such opposition briefs.

(6) Any MDL cases to be remanded shall be remanded by September 30, 2002. All cases subject to the Stipulation and Order Regarding Personal Jurisdiction and Refiling of Actions dated January 26, 2001 shall be ready for trial by October 30, 2002. Counsel in the cases which will be tried in this jurisdiction should meet and confer and draft appropriate schedules to ensure that all pretrial motions are resolved before this October 30, 2002 trial date; there will be no extension of this or any other date in this Order for any reason.<sup>2</sup>

July 28<sup>th</sup>, 2001



Thomas F. Hogan  
Chief Judge

---

<sup>2</sup>This litigation has been going on for several years now and the Court is becoming concerned that the case is no longer proceeding as efficiently and expeditiously as possible. Accordingly, the Court has chosen to adopt dates certain for document productions and interrogatory answers, as well as for the privilege logs. Should defendants feel that they are in need of dates certain from the plaintiffs, they may raise the issue with the Special Master or the Court as is appropriate. The Court is unwilling to accept any more delays from either side in this litigation and expects that all discovery will be produced as soon as possible and in accordance with the above deadlines.